

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 469
92ND GENERAL ASSEMBLY

Reported from the Committee on Judiciary April 15, 2003, with recommendation that the House Committee Substitute for Senate Bill No. 469 Do Pass by Consent.

STEPHEN S. DAVIS, Chief Clerk

1637L.03C

AN ACT

To repeal sections 43.530, 57.290, 67.133, 210.145, 452.311, 454.470, 455.027, 455.030, 455.504, 455.516, 476.055, 476.058, 476.340, 476.385, 477.600, 483.015, 483.083, 488.426, 488.2300, 488.4014, 488.5320, 494.410, 494.425, 506.060, 510.120, 511.350, 511.510, 512.180, 513.475, 517.141, 517.151, 535.030, 536.077, 540.011, 540.021, 577.051 and 595.045, RSMo, and to enact in lieu thereof thirty-three new sections relating to court procedures, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 43.530, 57.290, 67.133, 210.145, 452.311, 454.470, 455.027, 455.030, 455.504, 455.516, 476.055, 476.058, 476.340, 476.385, 477.600, 483.015, 483.083, 488.426, 488.2300, 488.4014, 488.5320, 494.410, 494.425, 506.060, 510.120, 511.350, 511.510, 512.180, 513.475, 517.141, 517.151, 535.030, 536.077, 540.011, 540.021, 577.051 and 595.045, RSMo, are repealed and thirty-three new sections enacted in lieu thereof, to be known as sections 43.530, 57.290, 210.145, 452.311, 454.470, 455.027, 455.030, 455.504, 455.516, 476.055, 476.058, 476.340, 476.385, 477.600, 483.015, 483.083, 488.426, 488.2300, 488.4014, 488.5320, 494.410, 494.425, 506.060, 510.120, 511.350, 511.510, 512.180, 513.475, 535.030, 536.077, 540.021, 577.051 and 595.045, to read as follows:

43.530. For each request received by the central repository, as defined in subdivision (1) of section 43.500, the requesting entity shall pay a fee of not more than five dollars per request for criminal history record information and pay a fee of not more than fourteen dollars per request for classification and search of fingerprints. Each such request shall be limited to check

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

5 and search on one individual. Each request shall be accompanied by a check, warrant, voucher,
6 [or] money order, **or electronic payment** payable to the state of Missouri-criminal record
7 system. **The highway patrol may establish procedures for receiving requests for criminal**
8 **history record information for classification and search for fingerprints, from courts and**
9 **other entities, and for the payment of such requests.** There is hereby established by the
10 treasurer of the state of Missouri a fund to be entitled as the "Criminal Record System Fund".
11 **For purposes of obtaining criminal records prior to issuance of a school bus operator's**
12 **permit pursuant to section 302.272, RSMo, and for determining eligibility for such permit,**
13 **the applicant for such permit shall submit two sets of fingerprints to the director of**
14 **revenue when applying for the permit. The fingerprints shall be collected in a manner**
15 **approved by the superintendent of the highway patrol. The school bus permit applicant**
16 **shall pay the appropriate fee described in this section and pay the appropriate fee**
17 **determined by the Federal Bureau of Investigation for the federal criminal history record**
18 **when he or she applies for the school bus permit. Collections for records described in this**
19 **subsection shall be deposited in the criminal record system fund.** Notwithstanding the
20 provisions of section 33.080, RSMo, to the contrary, if the moneys collected and deposited into
21 this fund are not totally expended annually for the purposes set forth in section 43.527, the
22 unexpended moneys in such fund shall remain in the fund and the balance shall be kept in the
23 fund to accumulate from year to year.

57.290. 1. [Sheriffs, county marshals or other officers shall be allowed a charge for their
2 services rendered in criminal cases and in all proceedings for contempt or attachment, as required
3 by law, the sum of seventy-five dollars for each felony case or contempt or attachment
4 proceeding, ten dollars for each misdemeanor case, and six dollars for each infraction, excluding
5 cases disposed of by a traffic violations bureau established pursuant to law or supreme court rule.
6 Such charges shall be charged and collected in the manner provided by sections 488.010 to
7 488.020, RSMo, and shall be payable to the county treasury.

8 2. The sheriff receiving any charge pursuant to subsection 1 of this section shall
9 reimburse the sheriff of any other county or the city of St. Louis the sum of three dollars for each
10 pleading, writ, summons, order of court or other document served in connection with the case
11 or proceeding by the sheriff of the other county or city, and return made thereof, to the maximum
12 amount of the total charge received pursuant to subsection 1 of this section.

13 3.] In cities and counties having a population of three hundred thousand inhabitants and
14 over, each deputy sheriff, not more than two, shall be allowed for each day during the term of
15 court six dollars, to be paid by the city or county of three hundred thousand inhabitants or over.

16 [4.] 2. For the services of taking convicted offenders to the reception and diagnostic
17 center designated by the director of the department of corrections, the sheriff, county marshal or

18 other officers shall receive the sum of eight dollars per day for the time actually and necessarily
19 employed in traveling to and from the reception and diagnostic center, and each guard shall
20 receive the sum of six dollars per day for the same, and the sheriff, county marshal or other
21 officer and guard shall receive the mileage rate prescribed by this section for the distance
22 necessarily traveled in going to and returning from the reception and diagnostic center, the time
23 and distance to be estimated by the most usually traveled route from the place of departure to the
24 reception and diagnostic center; the mileage rate prescribed by this section for each mile traveled
25 shall be allowed to the sheriff to cover all expenses on each convicted offender while being taken
26 to the reception and diagnostic center; and all persons convicted and sentenced to imprisonment
27 in the department of corrections at any term or sitting of the court, shall be taken to the reception
28 and diagnostic center at the same time, unless prevented by sickness or unavoidable accident.
29 In cities having a population of two hundred thousand inhabitants or more, convicted offenders
30 shall be taken to the reception and diagnostic center as often as the sheriff deems necessary.
31 When three or more convicted offenders are being taken to the reception and diagnostic center
32 at one time, a guard may be employed, but no guard shall be employed for a less number of
33 convicted offenders except upon the order, entered of record, of the judge of the court in which
34 the conviction was had, and any additional guards employed by order of the judge shall, in no
35 event, exceed one for every three convicted offenders; and before any claim for taking convicted
36 offenders to the reception and diagnostic center is allowed, the sheriff, or other officer conveying
37 such convicted offender, shall file with the state commissioner of administration an itemized
38 statement of such sheriff's account, in which the sheriff shall give the name of each convicted
39 offender conveyed and the name of each guard actually employed, with the number of miles
40 necessarily traveled and the number of days required, which in no case shall exceed three days,
41 and which account shall be signed and sworn to by such officer and accompanied by a certificate
42 from the chief administrative officer or such officer's designee of the reception and diagnostic
43 center, that such convicted offenders have been delivered at the reception and diagnostic center
44 and were accompanied by each of the officers and guards named in the account.

45 [5.] 3. The sheriff or other officer who shall take a person, charged with a criminal
46 offense, from the county in which the offender is apprehended to that in which the offense was
47 committed, or who may remove a prisoner from one county to another for any cause authorized
48 by law, or who shall have in custody or under such sheriff's or officer's charge any person
49 undergoing an examination preparatory to such person's commitment more than one day for
50 transporting, safekeeping and maintaining any such person, shall be allowed by the court having
51 cognizance of the offense, three dollars and fifty cents per day for every day such sheriff or
52 officer may have such person under such sheriff's or officer's charge, when the number of days
53 shall exceed one, and the mileage rate prescribed by this section for every mile necessarily

54 traveled in going to and returning from one county to another, and the guard employed, who shall
55 in no event exceed the number allowed the sheriff, marshal or other officer in transporting
56 convicted offenders to the reception and diagnostic center, shall be allowed the same
57 compensation as the officer. Three dollars and fifty cents per day, mileage same as officer, shall
58 be allowed for board and all other expenses of each prisoner. No compensation shall be allowed
59 under this section for taking the prisoner or prisoners from one place to another in the same
60 county, excepting in counties which have two or more courts with general criminal jurisdiction.
61 In such counties the sheriff shall have the same fees for conveying prisoners from the jail to place
62 of trial as are allowed for conveying prisoners in like cases from one county to another, and the
63 expenses incurred in transporting prisoners from one county to another, occasioned by the
64 insufficiency of the county jail or threatened mob violence, shall be paid by the county in which
65 such case may have originated; provided that the court is held at a place more than five miles
66 from the jail; and no court shall allow the expense of a guard, although it may have actually been
67 incurred, unless from the evidence of disinterested persons it shall be satisfied that a guard was
68 necessary; provided, that when the place of conviction is remote from a railroad, upon which a
69 convicted offender may be transported to the reception and diagnostic center, the court before
70 which such convicted offender is sentenced may, for good cause shown, allow one guard for
71 every two convicted offenders, such guard to receive three dollars a day and the mileage rate
72 prescribed by this section for every mile necessarily traveled in going to and returning from the
73 nearest depot on said railroad to the place where such convicted offender was sentenced.

74 [6. The charges provided in subsection 1 of this section shall be taxed as other costs in
75 criminal procedure immediately after conviction of any defendant in any criminal procedure.
76 The clerk shall tax all the costs in the case against such defendant, which shall be collected and
77 disbursed as provided by sections 488.010 to 488.020, RSMo; provided, that no such charge
78 shall be collected in any proceeding in any court when the proceeding or the defendant has been
79 dismissed by the court; provided further, that all costs, incident to the issuing and serving of
80 writs of scire facias and of writs of fieri facias, and of attachments for witnesses of defendant,
81 shall in no case be paid by the state, but such costs incurred under writs of fieri facias and scire
82 facias shall be paid by the defendant and such defendant's sureties, and costs for attachments for
83 witnesses shall be paid by such witnesses.]

84 [7.] 4. Mileage shall be reimbursed to sheriffs, county marshals and guards for all
85 services rendered pursuant to this section at the rate prescribed by the Internal Revenue Service
86 for allowable expenses for motor vehicle use expressed as an amount per mile.

210.145. 1. The division shall establish and maintain an information system operating
2 at all times, capable of receiving and maintaining reports. This information system shall have
3 the ability to receive reports over a single, statewide toll-free number. Such information system

4 shall maintain the results of all investigations, family assessments and services, and other
5 relevant information.

6 2. Upon receipt of a report, the division shall immediately communicate such report to
7 its appropriate local office and any relevant information as may be contained in the information
8 system. The local division staff shall determine, through the use of protocols developed by the
9 division, whether an investigation or the family assessment and services approach should be used
10 to respond to the allegation. The protocols developed by the division shall give priority to
11 ensuring the well-being and safety of the child.

12 3. The local office shall contact the appropriate law enforcement agency immediately
13 upon receipt of a report which division personnel determine merits an investigation, or, which,
14 if true, would constitute a suspected violation of any of the following: section 565.020, 565.021,
15 565.023, 565.024 or 565.050, RSMo, if the victim is a child less than eighteen years of age,
16 section 566.030 or 566.060, RSMo, if the victim is a child less than eighteen years of age, or
17 other crime under chapter 566, RSMo, if the victim is a child less than eighteen years of age and
18 the perpetrator is twenty-one years of age or older, section 567.050, RSMo, if the victim is a
19 child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060,
20 568.080, or 568.090, RSMo, section 573.025, 573.037 or 573.045, RSMo, or an attempt to
21 commit any such crimes. The local office shall provide such agency with a detailed description
22 of the report received. In such cases the local division office shall request the assistance of the
23 local law enforcement agency in all aspects of the investigation of the complaint. The
24 appropriate law enforcement agency shall either assist the division in the investigation or provide
25 the division, within twenty-four hours, an explanation in writing detailing the reasons why it is
26 unable to assist.

27 4. The local office of the division shall cause an investigation or family assessment and
28 services approach to be initiated immediately or no later than within twenty-four hours of receipt
29 of the report from the division, except in cases where the sole basis for the report is educational
30 neglect. If the report indicates that educational neglect is the only complaint and there is no
31 suspicion of other neglect or abuse, the investigation shall be initiated within seventy-two hours
32 of receipt of the report. If the report indicates the child is in danger of serious physical harm or
33 threat to life, an investigation shall include direct observation of the subject child within
34 twenty-four hours of the receipt of the report. Local law enforcement shall take all necessary
35 steps to facilitate such direct observation. If the parents of the child are not the alleged abusers,
36 [the parents] **a parent** of the child must be notified prior to the child being interviewed by the
37 division. The division shall not meet with the child [in any location where abuse of such child
38 is alleged to have occurred] **at the child's school or child care facility**. When the child is
39 reported absent from the residence, the location and the well-being of the child shall be verified.

40 5. The director of the division shall name at least one chief investigator for each local
41 division office, who shall direct the division response on any case involving a second or
42 subsequent incident regarding the same subject child or perpetrator. The duties of a chief
43 investigator shall include verification of direct observation of the subject child by the division
44 and shall ensure information regarding the status of an investigation is provided to the public
45 school district liaison. The public school district liaison shall develop protocol in conjunction
46 with the chief investigator to ensure information regarding an investigation is shared with
47 appropriate school personnel. The superintendent of each school district shall designate a
48 specific person or persons to act as the public school district liaison. Should the subject child
49 attend a nonpublic school the chief investigator shall notify the school principal of the
50 investigation. Upon notification of an investigation, all information received by the public
51 school district liaison or the school shall be subject to the provisions of the federal Family
52 Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34
53 C.F.R., Part 99.

54 6. The investigation shall include but not be limited to the nature, extent, and cause of
55 the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the
56 names and conditions of other children in the home, if any; the home environment and the
57 relationship of the subject child to the parents or other persons responsible for the child's care;
58 any indication of incidents of physical violence against any other household or family member;
59 and other pertinent data.

60 7. When a report has been made by a person required to report under section 210.115,
61 the division shall contact the person who made such report within forty-eight hours of the receipt
62 of the report in order to ensure that full information has been received and to obtain any
63 additional information or medical records, or both, that may be pertinent.

64 8. Upon completion of the investigation, if the division suspects that the report was made
65 maliciously or for the purpose of harassment, the division shall refer the report and any evidence
66 of malice or harassment to the local prosecuting or circuit attorney.

67 9. Multidisciplinary teams shall be used whenever conducting the investigation as
68 determined by the division in conjunction with local law enforcement. Multidisciplinary teams
69 shall be used in providing protective or preventive social services, including the services of law
70 enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and
71 other agencies, both public and private.

72 10. If the appropriate local division personnel determine after an investigation has begun
73 that completing an investigation is not appropriate, the division shall conduct a family
74 assessment and services approach. The division shall provide written notification to local law
75 enforcement prior to terminating any investigative process. The reason for the termination of

76 the investigative process shall be documented in the record of the division and the written
77 notification submitted to local law enforcement. Such notification shall not preclude nor prevent
78 any investigation by law enforcement.

79 11. If the appropriate local division personnel determines to use a family assessment and
80 services approach, the division shall:

81 (1) Assess any service needs of the family. The assessment of risk and service needs
82 shall be based on information gathered from the family and other sources;

83 (2) Provide services which are voluntary and time-limited unless it is determined by the
84 division based on the assessment of risk that there will be a high risk of abuse or neglect if the
85 family refuses to accept the services. The division shall identify services for families where it
86 is determined that the child is at high risk of future abuse or neglect. The division shall
87 thoroughly document in the record its attempt to provide voluntary services and the reasons these
88 services are important to reduce the risk of future abuse or neglect to the child. If the family
89 continues to refuse voluntary services or the child needs to be protected, the division may
90 commence an investigation;

91 (3) Commence an immediate investigation if at any time during the family assessment
92 and services approach the division determines that an investigation, as delineated in sections
93 210.109 to 210.183, is required. The division staff who have conducted the assessment may
94 remain involved in the provision of services to the child and family;

95 (4) Document at the time the case is closed, the outcome of the family assessment and
96 services approach, any service provided and the removal of risk to the child, if it existed.

97 12. Within thirty days of an oral report of abuse or neglect, the local office shall update
98 the information in the information system. The information system shall contain, at a minimum,
99 the determination made by the division as a result of the investigation, identifying information
100 on the subjects of the report, those responsible for the care of the subject child and other relevant
101 dispositional information. The division shall complete all investigations within thirty days,
102 unless good cause for the failure to complete the investigation is documented in the information
103 system. If the investigation is not completed within thirty days, the information system shall be
104 updated at regular intervals and upon the completion of the investigation. The information in
105 the information system shall be updated to reflect any subsequent findings, including any
106 changes to the findings based on an administrative or judicial hearing on the matter.

107 13. A person required to report under section 210.115 to the division shall be informed
108 by the division of his right to obtain information concerning the disposition of his or her report.
109 Such person shall receive, from the local office, if requested, information on the general
110 disposition of his or her report. A person required to report to the division pursuant to section
111 210.115 may receive, if requested, findings and information concerning the case. Such release

112 of information shall be at the discretion of the director based upon a review of the mandated
113 reporter's ability to assist in protecting the child or the potential harm to the child or other
114 children within the family. The local office shall respond to the request within forty-five days.
115 The findings shall be made available to the mandated reporter within five days of the outcome
116 of the investigation.

117 14. In any judicial proceeding involving the custody of a child the fact that a report may
118 have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However,
119 nothing in this subsection shall prohibit the introduction of evidence from independent sources
120 to support the allegations that may have caused a report to have been made.

121 15. In any judicial proceeding involving the custody of a child where the court
122 determines that the child is in need of services pursuant to subdivision (d) of subsection 1 of
123 section 211.031, RSMo, and has taken jurisdiction, the child's parent, guardian or custodian shall
124 not be entered into the registry.

125 16. The division of family services is hereby granted the authority to promulgate rules
126 and regulations pursuant to the provisions of section 207.021, RSMo, and chapter 536, RSMo,
127 to carry out the provisions of sections 210.109 to 210.183.

128 17. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
129 is created under the authority delegated in this section shall become effective only if it complies
130 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
131 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
132 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
133 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
134 grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be
135 invalid and void.

452.311. A petition is not filed within the meaning of supreme court rule 53.01 in any
2 cause of action authorized by the provisions of this chapter, unless a summons is issued forthwith
3 as required by supreme court rule 54.01, a verified **and notarized** entry of appearance of
4 respondent is filed or an attorney files an entry of appearance on behalf of respondent.

454.470. 1. [If a court order has not been previously entered or if a support order has
2 been entered but is not entitled to recognition pursuant to sections 454.850 to 454.997,] The
3 director may issue a notice and finding of financial responsibility to a parent who owes a state
4 debt or who is responsible for the support of a child on whose behalf the custodian of that child
5 is receiving support enforcement services from the division pursuant to section 454.425 **only if**
6 **a court order has not been previously entered against that parent or if a support order**
7 **from another state has been entered but is not entitled to recognition pursuant to sections**
8 **454.850 to 454.997.** A copy of the notice and finding shall be mailed to the last known address

9 of both parents and any person or agency having custody of the child within fourteen days of the
10 issuance of such notice and finding. When appropriate to the circumstances of the individual
11 action, the notice shall state:

12 (1) The name of the person or agency with custody of the dependent child and the name
13 of the dependent child for whom support is to be paid;

14 (2) The monthly future support for which the parent shall be responsible;

15 (3) The state debt, if any, accrued and accruing, and the monthly payment to be made on
16 the state debt which has accrued;

17 (4) A statement of the costs of collection, including attorney's fees, which may be
18 assessed against the parent;

19 (5) That the parent shall be responsible for providing medical insurance for the
20 dependent child;

21 (6) That if a parent desires to discuss the amount of support that should be paid, the
22 parent or person having custody of the child may, within twenty days after being served, contact
23 the division office which sent the notice and request a negotiation conference. The other parent
24 or person having custody of the child shall be notified of the negotiated conference and may
25 participate in the conference. If no agreement is reached on the monthly amount to be paid, the
26 director may issue a new notice and finding of financial responsibility, which may be sent to the
27 parent required to pay support by regular mail addressed to the parent's last known address or,
28 if applicable, the parent's attorney's last known address. A copy of the new notice and finding
29 shall be sent by regular mail to the other parent or person having custody of the child;

30 (7) That if a parent or person having custody of the child objects to all or any part of the
31 notice and finding of financial responsibility and no negotiation conference is requested, within
32 twenty days of the date of service the parent or person having custody of the child shall send to
33 the division office which issued the notice a written response which sets forth any objections and
34 requests a hearing; and, that if the director issues a new notice and finding of financial
35 responsibility, the parent or person having custody of the child shall have twenty days from the
36 date of issuance of the new notice to send a hearing request;

37 (8) That if such a timely response is received by the appropriate division office, and if
38 such response raises factual questions requiring the submission of evidence, the parent or person
39 having custody of the child shall have the right to a hearing before an impartial hearing officer
40 who is an attorney licensed to practice law in Missouri and, that if no timely written response is
41 received, the director may enter an order in accordance with the notice and finding of financial
42 responsibility;

43 (9) That the parent has the right to be represented at the hearing by an attorney of the
44 parent's own choosing;

45 (10) That the parent or person having custody of the child has the right to obtain
46 evidence and examine witnesses as provided for in chapter 536, RSMo, together with an
47 explanation of the procedure the parent or person having custody of the child shall follow in
48 order to exercise such rights;

49 (11) That as soon as the order is entered, the property of the parent required to pay
50 support shall be subject to collection actions, including, but not limited to, wage withholding,
51 garnishment, liens, and execution thereon;

52 (12) A reference to sections 454.460 to 454.510;

53 (13) That the parent is responsible for notifying the division of any change of address
54 or employment;

55 (14) That if the parent has any questions, the parent should telephone or visit the
56 appropriate division office or consult an attorney; and

57 (15) Such other information as the director finds appropriate.

58 2. The statement of periodic future support required by subdivision (2) of subsection 1
59 of this section is to be computed as follows:

60 (1) If there is sufficient information available to the division regarding the parent's
61 financial and living situation, the scale and formula provided for in section 454.480 shall be
62 used; or

63 (2) If there is insufficient information available to use the scale and formula, an estimate
64 of ability to pay shall be the basis of the statement.

65 3. Any time limits for notices or requests may be extended by the director, and such
66 extension shall have no effect on the jurisdiction of the court, administrative body, or other entity
67 having jurisdiction over the proceedings.

68 4. If a timely written response setting forth objections and requesting a hearing is
69 received by the appropriate division office, and if such response raises a factual question
70 requiring the submission of evidence, a hearing shall be held in the manner provided by section
71 454.475. If no timely written response and request for hearing is received by the appropriate
72 division office, the director may enter an order in accordance with the notice, and shall specify:

73 (1) The amount of periodic support to be paid, with directions on the manner of payment;

74 (2) The amount of state debt, if any, accrued in favor of the department;

75 (3) The monthly payment to be made on state debt, if any;

76 (4) The amount of costs of collection, including attorney's fees, assessed against the
77 parent;

78 (5) The name of the person or agency with custody of the dependent child and the name
79 and birth date of the dependent child for whom support is to be paid;

80 (6) That the property of the parent is subject to collection actions, including, but not

81 limited to, wage withholding, garnishment, liens, and execution thereon; and

82 (7) If appropriate, that the parent shall provide medical insurance for the dependent child,
83 or shall pay the reasonable and necessary medical expenses of the dependent child.

84 5. The parent or person having custody of the child shall be sent a copy of the order by
85 registered or certified mail, return receipt requested, addressed to the parent's last known address
86 or, if applicable, the parent's attorney's last known address. The order is final, and action by the
87 director to enforce and collect upon the order, including arrearages, may be taken from the date
88 of issuance of the order. A copy of the order shall also be sent by regular mail to the person
89 having custody of a child for whom an order is issued pursuant to this section.

90 6. Copies of the orders issued pursuant to this section shall be mailed within fourteen
91 days of the issuance of the order.

92 7. Any parent or person having custody of the child who is aggrieved as a result of any
93 allegation or issue of fact contained in the notice and finding of financial responsibility shall be
94 afforded an opportunity for a hearing, upon the request in writing filed with the director not more
95 than twenty days after service of the notice and finding is made upon such parent or person
96 having custody of the child, and if in requesting such hearing, the aggrieved parent or person
97 having custody of the child raises a factual issue requiring the submission of evidence.

455.027. No filing fees, court costs, or bond shall be assessed **to the petitioner** in an
2 action commenced pursuant to sections 455.010 to 455.085.

455.030. 1. When the court is unavailable after business hours or on holidays or
2 weekends, a verified petition for protection from abuse or a motion for hearing on violation of
3 any order of protection under sections 455.010 to 455.085 may be filed before any available
4 court in the city or county having jurisdiction to hear the petition pursuant to the guidelines
5 developed pursuant to subsection 4 of this section. An ex parte order may be granted pursuant
6 to section 455.035.

7 2. All papers in connection with the filing of a petition or the granting of an ex parte
8 order of protection or a motion for a hearing on a violation of an order of protection under this
9 section shall be certified by such court or the clerk within the next regular business day to the
10 circuit court having jurisdiction to hear the petition.

11 3. A petitioner seeking a protection order shall not be required to reveal any current
12 address or place of residence except to the court in camera for the purpose of determining
13 jurisdiction and venue. The petitioner may be required to provide a mailing address unless the
14 petitioner alleges that he or she would be endangered by such disclosure, or that other family or
15 household members would be endangered by such disclosure. **Effective January 1, 2004, a**
16 **petitioner shall not be required to provide his or her Social Security number on any**
17 **petition or document filed in connection with a protection order; except that, the court may**

18 **require that a petitioner's Social Security number be retained on a confidential case sheet**
19 **or other confidential record maintained in conjunction with the administration of the case.**

20 4. The supreme court shall develop guidelines which ensure that a verified petition may
21 be filed on holidays, evenings and weekends.

455.504. 1. The clerk of the court shall make available to the petitioner the uniform
2 forms adopted by the supreme court pursuant to section 455.073. Except as provided in section
3 455.510, clerks under the supervision of a circuit clerk shall explain to litigants not represented
4 by counsel the procedures for filing all forms and pleadings necessary for the presentation of
5 their petition filed pursuant to the provisions of sections 455.500 to 455.538 to the court. Notice
6 of the fact that clerks will provide such assistance shall be conspicuously posted in the clerks'
7 offices. The location of the office where a petition can be filed shall be conspicuously posted
8 in the court building. The performance of duties prescribed in this section shall not constitute
9 the practice of law as defined in section 484.010, RSMo. All duties of the clerk prescribed in
10 this section shall be performed without cost to the litigants. The supreme court may promulgate
11 rules as necessary to govern conduct of court clerks under sections 455.500 to 455.538, and shall
12 provide forms for petitions and written instructions on filling out all forms and pleadings
13 necessary for the presentation of the petition to the court.

14 2. No filing fees, court costs, or bond shall be assessed **to the petitioner** in an action
15 commenced under sections 455.500 to 455.538.

16 3. The clerk shall immediately notify the guardian ad litem or court-appointed special
17 advocate of appointment and shall provide such guardian or advocate with a copy of the petition
18 for the order of protection for the child. The clerk shall provide such guardian or advocate with
19 the names, addresses, and telephone numbers of the parties within twenty-four hours of entry of
20 the order appointing the guardian ad litem or court-appointed special advocate.

455.516. 1. Not later than fifteen days after the filing of a petition under sections
2 455.500 to 455.538, a hearing shall be held unless the court deems, for good cause shown, that
3 a continuance should be granted. At the hearing, which may be an open or a closed hearing at
4 the discretion of the court, whichever is in the best interest of the child, if the petitioner has
5 proved the allegation of abuse of a child by a preponderance of the evidence, the court may issue
6 a full order of protection for a definite period of time, not to exceed one hundred eighty days.
7 The court may allow as evidence any in camera videotape made of the testimony of the child
8 pursuant to section 491.699, RSMo. The provisions of section 491.075, RSMo, relating to
9 admissibility of statements of a child under the age of twelve shall apply to any hearing under
10 the provisions of sections 455.500 to 455.538. Upon motion by either party, the guardian ad
11 litem or the court-appointed special advocate, and after a hearing by the court, the full order of
12 protection may be renewed for a period not to exceed one hundred eighty days from the

13 expiration date of the originally issued full order of protection. If for good cause a hearing
14 cannot be held on the motion to renew the full order of protection prior to the expiration date of
15 the originally issued full order of protection, an ex parte order of protection may be issued until
16 a hearing is held on the motion. Upon motion by either party, the guardian ad litem or the court
17 appointed special advocate, and after a hearing by the court, the second full order of protection
18 may be renewed for an additional period not to exceed one hundred eighty days from the
19 expiration date of the second full order of protection. If for good cause a hearing cannot be held
20 on the motion to renew the second full order of protection prior to the expiration date of the
21 second order, an ex parte order of protection may be issued until a hearing is held on the motion.
22 The total time period for the consecutive orders of protection based upon the original petition
23 shall not exceed eighteen months. For purposes of this subsection, a finding by the court of a
24 subsequent act of abuse is not required for a renewal order of protection.

25 2. The court shall cause a copy of the petition and notice of the date set for the hearing
26 on such petition and any ex parte order of protection to be personally served upon the respondent
27 by personal process server as provided by law or by any sheriff or police officer at least three
28 days prior to such hearing. Such shall be served at the earliest time, and service of such shall
29 take priority over service in other actions, except those of a similar emergency nature. The court
30 shall cause a copy of any full order of protection to be served upon or mailed by certified mail
31 to the respondent at his last known address. Failure to serve or mail a copy of the full order of
32 protection to the respondent shall not affect the validity or enforceability of a full order of
33 protection.

34 3. A copy of any order of protection granted under sections 455.500 to 455.538 shall be
35 issued to the petitioner and to the local law enforcement agency in the jurisdiction where the
36 petitioner resides. **The clerk shall also issue a copy of any order of protection to the local**
37 **law enforcement agency responsible for maintaining the Missouri uniform law**
38 **enforcement system (MULES) or any other comparable law enforcement system the same**
39 **day the order is granted. The law enforcement agency responsible for maintaining**
40 **MULES shall enter information contained in the order for purposes of verification within**
41 **twenty-four hours from the time the order is granted. A notice of expiration or of**
42 **termination of any order of protection shall be issued to such local law enforcement agency and**
43 **to the law enforcement agency responsible for maintaining MULES or any other**
44 **comparable law enforcement system. The law enforcement agency responsible for**
45 **maintaining the applicable law enforcement system shall enter such information in the**
46 **system. The information contained in an order of protection may be entered in the**
47 **Missouri uniform law enforcement system or comparable law enforcement system using**
48 **a direct automated data transfer from the court automated system to the law enforcement**

49 system.

50 **4. A copy of the petition and notice of the date set for the hearing on such petition**
51 **and any order of protection granted pursuant to sections 455.500 to 455.538 shall be issued**
52 **to the juvenile office in the jurisdiction where the petitioner resides. A notice of expiration**
53 **or of termination of any order of protection shall be issued to such juvenile office.**

476.055. 1. There is hereby established in the state treasury the "Statewide Court
2 Automation Fund". All moneys collected pursuant to section [476.053] **488.027, RSMo**, as well
3 as gifts, contributions, devises, bequests, and grants received relating to automation of judicial
4 record keeping, and moneys received by the judicial system for the dissemination of information
5 and sales of publications developed relating to automation of judicial record keeping, shall be
6 credited to the fund. Moneys credited to this fund may only be used for the purposes set forth
7 in this section and as appropriated by the general assembly. Any unexpended balance remaining
8 in the statewide court automation fund at the end of each biennium shall not be subject to the
9 provisions of section 33.080, RSMo, requiring the transfer of such unexpended balance to
10 general revenue; except that, any unexpended balance remaining in the fund on September 1,
11 [2004] **2005**, shall be transferred to general revenue.

12 2. The statewide court automation fund shall be administered by a court automation
13 committee consisting of the following: the chief justice of the supreme court, a judge from the
14 court of appeals, four circuit judges, four associate circuit judges, four employees of the circuit
15 court, the commissioner of administration, two members of the house of representatives
16 appointed by the speaker of the house, two members of the senate appointed by the president pro
17 tem of the senate and two members of the Missouri Bar. The judge members and employee
18 members shall be appointed by the chief justice. The commissioner of administration shall serve
19 ex officio. The members of the Missouri Bar shall be appointed by the board of governors of the
20 Missouri Bar.

21
22 Any member of the committee may designate another person to serve on the committee in place
23 of the committee member.

24 3. The committee shall develop and implement a plan for a statewide court automation
25 system. The committee shall have the authority to hire consultants, review systems in other
26 jurisdictions and purchase goods and services to administer the provisions of this section. The
27 committee may implement one or more pilot projects in the state for the purposes of determining
28 the feasibility of developing and implementing such plan. The members of the committee shall
29 be reimbursed from the court automation fund for their actual expenses in performing their
30 official duties on the committee.

31 4. Any purchase of computer software or computer hardware that exceeds five thousand

32 dollars shall be made pursuant to the requirements of the office of administration for lowest and
33 best bid. Such bids shall be subject to acceptance by the office of administration. The court
34 automation committee shall determine the specifications for such bids.

35 5. The court automation committee shall not require any circuit court to change any
36 operating system in such court, unless the committee provides all necessary personnel, funds and
37 equipment necessary to effectuate the required changes. No judicial circuit or county may be
38 reimbursed for any costs incurred pursuant to this subsection unless such judicial circuit or
39 county has the approval of the court automation committee prior to incurring the specific cost.

40 6. Any court automation system, including any pilot project, shall be implemented,
41 operated and maintained in accordance with strict standards for the security and privacy of
42 confidential judicial records. Any person who knowingly releases information from a
43 confidential judicial record is guilty of a class B misdemeanor. Any person who, knowing that
44 a judicial record is confidential, uses information from such confidential record for financial gain
45 is guilty of a class D felony.

46 7. On the first day of February, May, August and November of each year, the court
47 automation committee shall file a report on the progress of the statewide automation system with
48 the joint legislative committee on court automation. Such committee shall consist of the
49 following:

- 50 (1) The chair of the house budget committee;
51 (2) The chair of the senate appropriations committee;
52 (3) The chair of the house judiciary committee;
53 (4) The chair of the senate judiciary committee;
54 (5) One member of the minority party of the house appointed by the speaker of the house
55 of representatives; and
56 (6) One member of the minority party of the senate appointed by the president pro
57 tempore of the senate.

58 8. The members of the joint legislative committee shall be reimbursed from the court
59 automation fund for their actual expenses incurred in the performance of their official duties as
60 members of the joint legislative committee on court automation.

61 9. Section [476.053] **488.027, RSMo**, shall expire on September 1, [2004] **2005**. The
62 court automation committee established pursuant to this section may continue to function until
63 completion of its duties prescribed by this section, but shall complete its duties prior to
64 September 1, [2007] **2011**.

65 10. This section shall expire on September 1, [2007] **2011**.

476.058. 1. As used in this section, the term "court personnel" includes all personnel of
2 all state courts and all divisions of the courts, including juvenile, family and municipal divisions,

3 and clerks, deputy clerks, division clerks, official court reporters, law clerks and court
4 administrators, but not including judges.

5 2. There is hereby established in the state treasury the "State Court Administration
6 Revolving Fund". Any moneys received by or on behalf of the state court administrator from
7 registration fees, grants, or any other source in connection with the training and education of
8 court personnel provided pursuant to this section shall be deposited into the fund.

9 3. **In addition, any moneys received by or on behalf of the state courts**
10 **administrator from fees, grants, or any other sources in connection with the preparation**
11 **of court transcripts shall be deposited in the fund provided, however, that moneys collected**
12 **in the fund in connection with a particular purpose shall be segregated and shall not be**
13 **disbursed for any other purpose.**

14 4. The state treasurer shall administer the fund and shall disburse moneys from the fund
15 to the state courts administrator pursuant to appropriations in order to provide training [and], to
16 purchase goods and services related to the training and education of court personnel, **and to pay**
17 **for goods and services associated with the preparation of court transcripts.**

18 [4.] 5. Any unexpended balance remaining in the fund at the end of each biennium shall
19 be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended
20 balances to the general revenue fund, until the amount in the state courts administration
21 revolving fund exceeds the greater of either one-half of the expenditures from the fund during
22 the previous year, or fifty thousand dollars.

476.340. 1. The governing body of the conference, between annual sessions, shall be
2 the executive council. The executive council shall consist of the following members:

3 (1) The chief justice of the supreme court, or some member of the supreme court
4 appointed by him;

5 (2) Two other members of the supreme court appointed by the supreme court;

6 (3) One member of each district of the court of appeals elected by the judges thereof,
7 respectively;

8 (4) Eight circuit judges, other than judges of the probate division, three of whom shall
9 be elected for three-year terms, one from each district of the court of appeals, by the circuit
10 judges, other than judges of the probate division, of the district to represent each of the districts
11 of the court of appeals, respectively. A judge whose circuit is in part in more than one district
12 of the court of appeals may vote in and be elected to represent either district but not both. Five
13 of the circuit judges on the council shall be elected for three-year terms by the circuit judges of
14 the state;

15 (5) One judge of the probate division of circuit courts in counties having a population
16 of more than thirty thousand inhabitants elected for a three-year term by the judges of the probate

17 divisions of the circuit courts in such counties;

18 (6) Three associate circuit judges elected for three-year terms, one from each district of
19 the court of appeals, by the associate circuit judges of the district to represent each of the districts
20 of the court of appeals, respectively;

21 (7) Three other associate circuit judges elected for three-year terms by the associate
22 circuit judges of the state;

23 (8) One associate circuit judge from counties having a population of thirty thousand
24 inhabitants or less elected for a three-year term by the associate circuit judges in such counties;

25 (9) One retired judge or commissioner who is a member of the judicial conference
26 elected for a three-year term by such judges and commissioners. Members of the executive
27 council on August 28, [1993] **2003**, shall serve out their terms and their replacements shall be
28 elected under the provisions of this section. **Vacancies shall be filled for the unexpired term**
29 **of any member as provided by resolution of the judicial conference.**

30 2. The executive council shall have general supervision of the work of the conference
31 and such other duties and authority as may be given to it under rules or resolutions adopted by
32 the conference. The members of the executive council shall elect one of its members vice
33 president to act in the absence of the chief justice.

476.385. 1. The judges of the supreme court may appoint a committee consisting of at
2 least seven associate circuit judges, who shall meet en banc and establish and maintain a
3 schedule of fines to be paid for violations of [section] **sections 210.104, 577.070, and 577.073,**
4 RSMo, and chapters 252, 301, 302, 304, 306, 307 and 390, RSMo, with such fines increasing
5 in proportion to the severity of the violation. The associate circuit judges of each county may
6 meet en banc and adopt the schedule of fines and participation in the centralized bureau pursuant
7 to this section. Notice of such adoption and participation shall be given in the manner provided
8 by supreme court rule. Upon order of the supreme court, the associate circuit judges of each
9 county may meet en banc and establish and maintain a schedule of fines to be paid for violations
10 of municipal ordinances for cities, towns and villages electing to have violations of its municipal
11 ordinances heard by associate circuit judges, pursuant to section 479.040, RSMo; and for traffic
12 court divisions established pursuant to section 479.500, RSMo. The schedule of fines adopted
13 for violations of municipal ordinances may be modified from time to time as the associate circuit
14 judges of each county en banc deem advisable. No fine established pursuant to this subsection
15 may exceed the maximum amount specified by statute or ordinance for such violation.

16 2. In no event shall any schedule of fines adopted pursuant to this section include
17 offenses involving the following:

18 (1) Any violation resulting in personal injury or property damage to another person;

19 (2) Operating a motor vehicle while intoxicated or under the influence of intoxicants or

20 drugs;

21 (3) Operating a vehicle with a counterfeited, altered, suspended or revoked license;

22 (4) Fleeing or attempting to elude an officer.

23 3. There shall be a centralized bureau to be established by supreme court rule in order
24 to accept pleas of not guilty or guilty and payments of fines and court costs for violations of the
25 laws and ordinances described in subsection 1 of this section, made pursuant to a schedule of
26 fines established pursuant to this section. The centralized bureau shall collect, with any plea of
27 guilty and payment of a fine, all court costs which would have been collected by the court of the
28 jurisdiction from which the violation originated.

29 4. If a person elects not to contest the alleged violation, the person shall send payment
30 in the amount of the fine and any court costs established for the violation to the centralized
31 bureau. Such payment shall be payable to the "central violations bureau", shall be made by mail
32 or in any other manner established by the centralized bureau, and shall constitute a plea of guilty,
33 waiver of trial and a conviction for purposes of section 302.302, RSMo, and for purposes of
34 imposing any collateral consequence of a criminal conviction provided by law. Notwithstanding
35 any provision of law to the contrary, the prosecutor shall not be required to sign any information,
36 ticket or indictment if disposition is made pursuant to this subsection. In the event that any
37 payment is made pursuant to this section by credit card or similar method, the centralized bureau
38 may charge an additional fee in order to reflect any transaction cost, surcharge or fee imposed
39 on the recipient of the credit card payment by the credit card company.

40 5. If a person elects to plead not guilty, such person shall send the plea of not guilty to
41 the centralized bureau. The bureau shall send such plea and request for trial to the prosecutor
42 having original jurisdiction over the offense. Any trial shall be conducted at the location
43 designated by the court. The clerk of the court in which the case is to be heard shall notify in
44 writing such person of the date certain for the disposition of such charges. The prosecutor shall
45 not be required to sign any information, ticket or indictment until the commencement of any
46 proceeding by the prosecutor with respect to the notice of violation.

47 6. In courts adopting a schedule of fines pursuant to this section, any person receiving
48 a notice of violation pursuant to this section shall also receive written notification of the
49 following:

50 (1) The fine and court costs established pursuant to this section for the violation or
51 information regarding how the person may obtain the amount of the fine and court costs for the
52 violation;

53 (2) That the person must respond to the notice of violation by paying the prescribed fine
54 and court costs, or pleading not guilty and appearing at trial, and that other legal penalties
55 prescribed by law may attach for failure to appear and dispose of the violation. The supreme

56 court may modify the suggested forms for uniform complaint and summons for use in courts
57 adopting the procedures provided by this section, in order to accommodate such required written
58 notifications.

59 7. Any moneys received in payment of fines and court costs pursuant to this section shall
60 not be considered to be state funds, but shall be held in trust by the centralized bureau for benefit
61 of those persons or entities entitled to receive such funds pursuant to this subsection. All
62 amounts paid to the centralized bureau shall be maintained by the centralized bureau, invested
63 in the manner required of the state treasurer for state funds by sections 30.240, 30.250, 30.260
64 and 30.270, RSMo, and disbursed as provided by the constitution and laws of this state. Any
65 interest earned on such fund shall be payable to the director of the department of revenue for
66 deposit into a revolving fund to be established pursuant to this subsection. The state treasurer
67 shall be the custodian of the revolving fund, and shall make disbursements, as allowed by lawful
68 appropriations, only to the judicial branch of state government for goods and services related to
69 the administration of the judicial system.

70 8. Any person who receives a notice of violation subject to this section who fails to
71 dispose of such violation as provided by this section shall be guilty of failure to appear provided
72 by section 544.665, RSMo; and may be subject to suspension of driving privileges in the manner
73 provided by section 302.341, RSMo. The centralized bureau shall notify the appropriate
74 prosecutor of any person who fails to either pay the prescribed fine and court costs, or plead not
75 guilty and request a trial within the time allotted by this section, for purposes of application of
76 section 544.665, RSMo. The centralized bureau shall also notify the department of revenue of
77 any failure to appear subject to section 302.341, RSMo, and the department shall thereupon
78 suspend the license of the driver in the manner provided by section 302.341, RSMo, as if notified
79 by the court.

80 9. In addition to the remedies provided by subsection 8 of this section, the centralized
81 bureau and the courts may use the remedies provided by sections 488.010 to 488.020, RSMo,
82 for the collection of court costs payable to courts, in order to collect fines and court costs for
83 violations subject to this section.

477.600. 1. There is hereby created within the judicial department a "Judicial Finance
2 Commission". The commission shall be composed of seven members appointed by the supreme
3 court. At least one member of the commission shall be a member of a county governing body
4 from a county of the third class, one member of the commission shall be a member of the county
5 governing body of a county of the first class, and one member of the commission shall be a
6 member of a county governing body from any class of county. The supreme court shall designate
7 one member to serve as chairman and one member as vice chairman. The vice chairman shall
8 preside in the absence of the chairman.

9 2. The members of the commission shall serve for terms of three years and until their
10 successors are appointed and qualified; except that of the initial members appointed, three shall
11 serve for terms of one year, two shall serve for terms of two years and two shall serve for terms
12 of three years, as designated by the court.

13 3. If a vacancy occurs the court shall appoint a replacement. The replacement shall serve
14 the unexpired portion of the term and may be appointed to successive terms.

15 4. The commission shall promulgate rules of procedure which shall become effective
16 upon approval by the supreme court. The supreme court may adopt such other rules as it deems
17 appropriate to govern the procedures of the commission.

18 5. The commission shall:

19 (1) Examine the budget request of the circuit court upon the petition by the county
20 governing body as provided in section 50.640, RSMo, or any budget or item in the budget
21 estimated by the court including, but not limited to, compensation of deputy sheriffs and
22 assistants, as set forth in section 57.250, RSMo;

23 (2) Issue a written opinion addressed to the presiding circuit judge and the presiding
24 officer of the county. The opinion shall state the conclusions of the commission as to the
25 reasonableness of the circuit court budget request. The opinion of the commission shall state
26 clearly the reasons for its decision. Any member of the commission who disagrees with the
27 commission's findings may file a minority report;

28 (3) Maintain accurate records of the cost and expenses of the judicial and law
29 enforcement agencies for each county;

30 (4) Submit an annual report to the governor, general assembly, and supreme court on the
31 finances of the judicial department. The report shall examine both the revenues of the
32 department and the expenses of the department. The report shall [separately report on] **include**
33 **the information from all divisions of the circuit court of each county including** the circuit,
34 associate circuit, **probate**, juvenile and municipal divisions [of the circuit court of each county].
35 **The information shall be reported separately except where the divisions are combined or**
36 **consolidated.**

37 6. In discharging its responsibilities, the commission may:

38 (1) Conduct public hearings, take testimony, summon witnesses, and subpoena records
39 and documents;

40 (2) Conduct surveys and collect data from county governments and the circuit courts on
41 the operations of the judicial and law enforcement agencies in each county. The commission and
42 its staff shall be granted access at any reasonable time to all books, records, and data the
43 commission deems necessary for the administration of its duties;

44 (3) Within the limits of appropriations made for the purpose, appoint special committees,

45 accept and expend grant funds, and employ consultants and others to assist the commission in
46 its work.

47 7. Upon receipt of the written opinion of the commission or upon refusal of the
48 commission to accept a petition for review, the circuit court or the county governing body may
49 seek a review by the supreme court by filing a petition for review in the supreme court within
50 thirty days of the receipt of the commission's opinion. If a petition for review is not filed in the
51 supreme court, then the recommendation of the commission shall take effect notwithstanding the
52 provisions of section 50.600, RSMo. If the commission refused to review a petition and no
53 petition is filed in the supreme court, the circuit court budget is approved as submitted to the
54 county governing body. The supreme court shall consider the petition for review de novo.

55 8. The commission shall meet as necessary at the call of the chairman or on written
56 request of four members. Four members constitute a quorum for the transaction of business.
57 Upon request of the chairman, the supreme court may appoint a temporary replacement for any
58 commissioner who is unable to hear a case or who is disqualified from any case. No member
59 of the commission shall participate in any proceeding involving the county or circuit where the
60 member resides.

61 9. Members of the commission shall receive no compensation for their services but shall
62 be reimbursed out of funds appropriated for this purpose for their actual and necessary expenses
63 incurred in the performance of their duties.

64 10. The clerk of the supreme court shall provide suitable staff for the commission out
65 of any funds appropriated for this purpose. The commission may also employ court reporters
66 as necessary to take testimony at hearings held pursuant to section 50.640, RSMo. The reporters
67 shall be compensated at a rate established by the commission out of any funds appropriated for
68 this purpose.

483.015. 1. At the general election in the year 1982, and every four years thereafter,
2 except as herein provided and except as otherwise provided by law, circuit clerks shall be elected
3 by the qualified voters of each county [and of the city of St. Louis], who shall be commissioned
4 by the governor, and shall enter upon the discharge of their duties on the first day in January next
5 ensuing their election, and shall hold their offices for the term of four years, and until their
6 successors shall be duly elected and qualified, unless sooner removed from office.

7 2. The court administrator for Jackson County provided by the charter of Jackson County
8 shall be selected as provided in the county charter and shall exercise all of the powers and duties
9 of the circuit clerk of Jackson County. The director of judicial administration and the circuit
10 clerk of St. Louis County shall be selected as provided in the charter of St. Louis County.

11 3. **Except as otherwise provided in this section, the circuit clerk of any circuit**
12 **operating under the nonpartisan court plan shall be appointed by a majority of the circuit**

13 **judges and associate circuit judges of the circuit court of such circuit, en banc. The circuit**
14 **clerk shall be removable for cause by a majority of the circuit judges and associate circuit**
15 **judges of such circuit, en banc, in accordance with supreme court administrative rules**
16 **governing court personnel. This subsection shall become effective on January 1, 2004, and**
17 **any elected circuit clerks in office in any such circuits at that time shall continue to hold**
18 **such office for the remainder of his or her elected term as if such clerk had been appointed**
19 **pursuant to the terms of this subsection.**

20 **4.** When provision is made in a county charter for the appointment of a court
21 administrator to perform the duties of a circuit clerk or for the appointment of a circuit clerk,
22 such provisions shall prevail over the provisions of this chapter providing for a circuit clerk to
23 be elected. The persons appointed to fill any such appointive positions shall be paid by the
24 counties as provided by the county charter or ordinance; provided, however, that if provision is
25 now or hereafter made by law for the salaries of circuit clerks to be paid by the state, the state
26 shall pay over to the county a sum which is equivalent to the salary that would be payable by law
27 by the state to an elected circuit clerk in such county if such charter provision was not in effect.
28 The sum shall be paid in semimonthly or monthly installments, as designated by the
29 commissioner of administration.

 483.083. 1. **In addition to any salary adjustment made prior to August 28, 2003,**
2 **as provided pursuant to section 476.405, RSMo,** each circuit clerk shall annually receive as
3 compensation the following amounts as base salary:

4 (1) In counties of the first classification, thirty-six thousand one hundred forty-five
5 dollars; except those counties where court is held in two cities, in which instance an additional
6 four thousand dollars shall be added to the base salary;

7 (2) In all counties of the second or fourth classification, thirty-one thousand nine hundred
8 seventy-eight dollars; except those counties where court is held in two cities, thirty-five thousand
9 five hundred forty-nine dollars;

10 (3) In the counties of the third classification, twenty-seven thousand two hundred
11 eighteen dollars except those counties where court is held in two cities; thirty thousand three
12 hundred eight dollars; except Marion County circuit clerks, district one and district two in
13 Hannibal, thirty-one thousand three hundred eighty-three dollars;

14 (4) In the city of St. Louis, sixty-seven thousand three hundred sixty dollars;

15 (5) The compensation of circuit clerks provided by this subsection shall annually be
16 increased by an amount equivalent to the annual salary adjustment approved pursuant to section
17 476.405, RSMo, for employees of the judicial department.

18 2. Such circuit clerks shall receive in addition to any salary provided by this section any
19 salary adjustment provided pursuant to section 476.405, RSMo.

20 3. In the event the judge orders child support payments in Marion County to be made
21 through the clerk, the clerk shall annually, on or before February first of each year, charge ten
22 dollars per year to each such person so obligated to make child support payments, which fee shall
23 be paid to the state.

24 4. Payment of the compensation provided in this section shall be payable in equal
25 monthly installments, except that the salary of the circuit clerk of the city of St. Louis shall be
26 paid in semimonthly installments and except that all such compensation paid by the state shall
27 be paid in installments as provided in section 33.100, RSMo. The compensation of all circuit
28 clerks shall be paid by the state and they shall be considered state employees for all purposes
29 except the manner of their selection, appointment or removal from office; except that, the circuit
30 clerk of the city of St. Louis, the circuit clerk of St. Louis County and the court administrator of
31 Jackson County shall continue to be paid by the city and those counties and shall not become
32 state employees, but the city of St. Louis, St. Louis County and Jackson County shall each be
33 paid an amount which is equivalent to a circuit clerk's salary as provided in subsection [3] 4 of
34 section 483.015.

35 5. The compensation provided in this section shall be in lieu of all fees, and all fees
36 collected shall be paid over to the state or to the counties and the city of St. Louis as otherwise
37 provided by law.

 488.426. 1. The judges of the circuit court, en banc, in any circuit in this state may
2 require any party filing a civil case in the circuit court, at the time of filing the suit, to deposit
3 with the clerk of the court a surcharge in addition to all other deposits required by law or court
4 rule. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are
5 to be paid by the county or state or any city.

6 2. The surcharge in effect on August 28, 2001, shall remain in effect until changed by
7 the circuit court. The circuit court in any circuit, except the circuit court in Jackson County may
8 change the fee to any amount not to exceed fifteen dollars. The circuit court in Jackson County
9 may change the fee to any amount not to exceed twenty dollars. A change in the fee shall
10 become effective and remain in effect until further changed [beginning on January first if the
11 office of state courts administrator is notified of the proposed change not later than the preceding
12 September first].

13 3. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or
14 are paid by the county or state or any city.

 488.2300. 1. A "Family Services and Justice Fund" is hereby established in each county
2 or circuit with a family court, for the purpose of aiding with the operation of the family court
3 divisions and services provided by those divisions. In circuits or counties having a family court,
4 the circuit clerk shall charge and collect a surcharge of thirty dollars in all proceedings falling

5 within the jurisdiction of the family court. The surcharge shall not be charged when no court
6 costs are otherwise required, shall not be charged **against the petitioner** for actions filed
7 pursuant to the provisions of chapter 455, RSMo, **but may be charged to the respondent in**
8 **such actions**, shall not be charged to a government agency and shall not be charged in any
9 proceeding when costs are waived or are to be paid by the state, county or municipality.

10 2. In juvenile proceedings under chapter 211, RSMo, a judgment of up to thirty dollars
11 may be assessed against the child, parent or custodian of the child, in addition to other amounts
12 authorized by law, in informal adjustments made under the provisions of sections 211.081 and
13 211.083, RSMo, and in an order of disposition or treatment under the provisions of section
14 211.181, RSMo. The judgment may be ordered paid to the clerk of the circuit where the
15 assessment is imposed [and shall be collected and disbursed in the manner provided by sections
16 488.010 to 488.020].

17 3. All sums collected pursuant to this section and section 487.140, RSMo, shall be
18 payable to the various county family services and justice funds.

19 4. Any moneys in the family services and justice fund not expended for salaries of
20 commissioners, family court administrators and family court staff shall be used toward funding
21 the enhanced services provided as a result of the establishment of a family court; however, it
22 shall not replace or reduce the current and ongoing responsibilities of the counties to provide
23 funding for the courts as required by law. Moneys collected for the family services and justice
24 fund shall be expended for the benefit of litigants and recipients of services in the family court,
25 with priority given to services such as mediation, counseling, home studies, psychological
26 evaluation and other forms of alternative dispute-resolution services. Expenditures shall be
27 made at the discretion of the presiding judge or family court administrative judge, as designated
28 by the circuit and associate circuit judges en banc, for the implementation of the family court
29 system as set forth in this section. No moneys from the family services and justice fund may be
30 used to pay for mediation in any cause of action in which domestic violence is alleged.

31 5. From the funds collected pursuant to this section and retained in the family services
32 and justice fund, each circuit or county in which a family court commissioner in addition to those
33 commissioners existing as juvenile court commissioners on August 28, 1993, have been
34 appointed pursuant to sections 487.020 to 487.040, RSMo, shall pay to and reimburse the state
35 for the actual costs of that portion of the salaries of family court commissioners appointed
36 pursuant to the provisions of sections 487.020 to 487.040, RSMo.

37 6. No moneys deposited in the family services and justice fund may be expended for
38 capital improvements.

488.4014. 1. A fee of ten dollars[, as provided in section 67.133, RSMo,] shall be
2 assessed in all cases in which the defendant [is convicted of violating] **pleads guilty or is found**

3 **guilty of a nonfelony violation of** any provision of chapters 252, 301, 302, 304, 306, 307 and
4 390, RSMo, and any infraction otherwise provided by law, **a fee of** twenty-five dollars **shall be**
5 **assessed** in all misdemeanor cases otherwise provided by law **in which the defendant pleads**
6 **guilty or is found guilty**, and **a fee of** seventy-five dollars **shall be assessed** in all felony cases
7 **in which the defendant pleads guilty or is found guilty**, in criminal cases including violations
8 of any county ordinance or any violation of a criminal or traffic law of the state, except that no
9 such fees shall be collected in any proceeding in any court when the proceeding or the defendant
10 has been dismissed by the court or when costs are to be paid by the state, county or municipality.
11 All fees collected under the provisions of **this** section [67.133, RSMo,] shall be collected and
12 disbursed in the manner provided by sections 488.010 to 488.020 and payable to the county
13 treasurer who shall deposit those funds in the county treasury.

14 2. Counties shall be entitled to a judgment in the amount of twenty-five percent of all
15 sums collected, pursuant to **this** section [67.133, RSMo], on recognizances given to the state in
16 criminal cases, which are or may become forfeited, if not more than five hundred dollars, and
17 fifteen percent of all sums over five hundred dollars, to be paid out of the amount collected.

488.5320. 1. Sheriffs, county marshals or other officers shall be allowed a charge[, as
2 provided in section 57.290, RSMo,] for their services rendered in criminal cases and in all
3 proceedings for contempt or attachment, as required by law, the sum of seventy-five dollars for
4 each felony case or contempt or attachment proceeding, ten dollars for each misdemeanor case,
5 and six dollars for each infraction, excluding cases disposed of by a traffic violations bureau
6 established pursuant to law or supreme court rule. Such charges shall be charged and collected
7 in the manner provided by sections 488.010 to 488.020 and shall be payable to the county
8 treasury.

9 2. The sheriff receiving any charge pursuant to [section 57.290, RSMo,] **subsection 1**
10 **of this section** shall reimburse the sheriff of any other county or the City of St. Louis the sum
11 of three dollars for each pleading, writ, summons, order of court or other document served in
12 connection with the case or proceeding by the sheriff of the other county or city, and return made
13 thereof, to the maximum amount of the total charge received pursuant to [section 57.290, RSMo]
14 **subsection 1 of this section.**

15 [3. As provided in section 57.290, RSMo, in cities and counties having a population of
16 three hundred thousand inhabitants and over, each deputy sheriff, but not more than two deputy
17 sheriffs, shall be allowed six dollars for each day during the term of court, to be paid by the city
18 or county having a population of three hundred thousand inhabitants or over.

19 4. For the services of taking convicted offenders to the reception and diagnostic center
20 designated by the director of the department of corrections, the sheriff, county marshal or other
21 officers shall, as provided in section 57.290, RSMo, receive the sum of eight dollars per day for

22 the time actually and necessarily employed in traveling to and from the reception and diagnostic
23 center, and each guard shall, as provided in section 57.290, RSMo, receive the sum of six dollars
24 per day for the same, and the sheriff, county marshal or other officer and guard shall, as provided
25 in section 57.290, RSMo, receive the mileage rate prescribed by section 57.290, RSMo, for the
26 distance necessarily traveled in going to and returning from the reception and diagnostic center,
27 the time and distance to be estimated by the most usually traveled route from the place of
28 departure to the reception and diagnostic center; the mileage rate prescribed by section 57.290,
29 RSMo, for each mile traveled shall be allowed to the sheriff to cover all expenses on each
30 convicted offender while being taken to the reception and diagnostic center; and all persons
31 convicted and sentenced to imprisonment in the department of corrections at any term or sitting
32 of the court, shall be taken to the reception and diagnostic center at the same time, unless
33 prevented by sickness or unavoidable accident. In cities having a population of two hundred
34 thousand inhabitants or more, convicted offenders shall be taken to the reception and diagnostic
35 center as often as the sheriff deems necessary. When three or more convicted offenders are being
36 taken to the reception and diagnostic center at one time, a guard may be employed, as provided
37 in section 57.290, RSMo, but no guard shall be employed for a less number of convicted
38 offenders except upon the order, entered of record, of the judge of the court in which the
39 conviction was had, and any additional guards employed by order of the judge shall, in no event,
40 exceed one for every three convicted offenders; and before any claim for taking convicted
41 offenders to the reception and diagnostic center is allowed, the sheriff, or other officer conveying
42 such convicted offender, shall file with the state commissioner of administration an itemized
43 statement of such sheriff's account, in which the sheriff shall give the name of each convicted
44 offender conveyed and the name of each guard actually employed, with the number of miles
45 necessarily traveled and the number of days required, which in no case shall exceed three days,
46 and which account shall be signed and sworn to by such officer and accompanied by a certificate
47 from the chief administrative officer or such officer's designee of the reception and diagnostic
48 center, that such convicted offenders have been delivered at the reception and diagnostic center
49 and were accompanied by each of the officers and guards named in the account.

50 5. The sheriff or other officer who shall take a person, charged with a criminal offense,
51 from the county in which the offender is apprehended to that in which the offense was
52 committed, or who may remove a prisoner from one county to another for any cause authorized
53 by law, or who shall have in custody or under such sheriff's or officer's charge any person
54 undergoing an examination preparatory to such person's commitment more than one day for
55 transporting, safekeeping and maintaining any such person, shall be allowed by the court having
56 cognizance of the offense, three dollars and fifty cents per day, as provided in section 57.290,
57 RSMo, for every day such sheriff or officer may have such person under such sheriff's or officer's

58 charge, when the number of days shall exceed one, and the mileage rate prescribed by section
59 57.290, RSMo, for every mile necessarily traveled in going to and returning from one county to
60 another, and the guard employed, who shall in no event exceed the number allowed the sheriff,
61 marshal or other officer in transporting convicted offenders to the reception and diagnostic
62 center, shall be allowed, as provided in section 57.290, RSMo, the same compensation as the
63 officer. Three dollars and fifty cents per day, mileage same as officer, shall be allowed for board
64 and all other expenses of each prisoner. No compensation shall be allowed under this section
65 for taking the prisoner or prisoners from one place to another in the same county, excepting in
66 counties which have two or more courts with general criminal jurisdiction. In such counties the
67 sheriff shall have the same fees for conveying prisoners from the jail to place of trial as are
68 allowed for conveying prisoners in like cases from one county to another, and the expenses
69 incurred in transporting prisoners from one county to another, occasioned by the insufficiency
70 of the county jail or threatened mob violence, shall be paid by the county in which such case may
71 have originated; provided that the court is held at a place more than five miles from the jail; and
72 no court shall allow the expense of a guard, although it may have actually been incurred, unless
73 from the evidence of disinterested persons it shall be satisfied that a guard was necessary;
74 provided, that when the place of conviction is remote from a railroad, upon which a convicted
75 offender may be transported to the reception and diagnostic center, the court before which such
76 convicted offender is sentenced may, for good cause shown, allow one guard for every two
77 convicted offenders, such guard to receive three dollars a day and the mileage rate prescribed by
78 section 57.290, RSMo, for every mile necessarily traveled in going to and returning from the
79 nearest depot on such railroad to the place where such convicted offender was sentenced.

80 6.] 3. The charges provided in subsection 1 of this section shall be taxed as other costs
81 in criminal [procedure] **proceedings** immediately [after conviction] **upon a plea of guilty or a**
82 **finding of guilt** of any defendant in any criminal procedure. The clerk shall tax all the costs in
83 the case against such defendant, which shall be collected and disbursed as provided by sections
84 488.010 to 488.020; provided, that no such charge shall be collected in any proceeding in any
85 court when the proceeding or the defendant has been dismissed by the court; provided further,
86 that all costs, incident to the issuing and serving of writs of scire facias and of writs of fieri
87 facias, and of attachments for witnesses of defendant, shall in no case be paid by the state, but
88 such costs incurred under writs of fieri facias and scire facias shall be paid by the defendant and
89 such defendant's sureties, and costs for attachments for witnesses shall be paid by such witnesses.

90 [7.] 4. Mileage shall be reimbursed to sheriffs, county marshals and guards for all
91 services rendered pursuant to **this** section [57.290, RSMo,] at the rate prescribed by the Internal
92 Revenue Service for allowable expenses for motor vehicle use expressed as an amount per mile.

494.410. 1. The board of jury commissioners shall compile and maintain a list of

2 potential jurors and their addresses, and shall update such list periodically in a manner to be
3 determined by the board. [In compiling this list, to be known as the master jury list, the board
4 of jury commissioners shall consult one or more public records.] The master jury list shall be
5 comprised of not less than five percent of the total population of the county or city not within a
6 county as determined from the last decennial census. In no event shall the master jury list
7 contain less than four hundred names. In compiling the master jury list the board of jury
8 commissioners shall take reasonable measures to avoid duplication of names. [The master jury
9 list shall be the result of random selection of names from public records.]

10 **2. Beginning July 1, 2004, the master jury list shall be the result of random selection**
11 **of names from a minimum of two government records including, but not limited to,**
12 **personal property tax list, voter's registration list, and driver's license records. The**
13 **information furnished by the department of revenue shall not be disclosed except as**
14 **allowed pursuant to federal law.**

15 **3.** Whoever has custody, possession, or control of any record used in compiling the
16 master jury list shall make the record available to the board of jury commissioners for inspection,
17 reproduction and copying at all reasonable times.

18 [3.] **4.** The **names on the** master jury list shall be considered a public record. The master
19 jury list and copies of all records used in compiling the list shall be retained by the board of jury
20 commissioners for at least five years after compilation of the list.

494.425. The following persons shall be disqualified from serving as a petit or grand
2 juror:

3 (1) Any person who is less than twenty-one years of age;

4 (2) Any person not a citizen of the United States;

5 (3) Any person not a resident of the county or city not within a county served by the
6 court issuing the summons;

7 (4) Any person who has been convicted of a felony, unless such person has been restored
8 to his civil rights;

9 (5) Any person unable to read, speak and understand the English language, **unless such**
10 **person's inability is due to a vision, speech, or hearing impairment which can be**
11 **adequately compensated for through the use of auxiliary aids or services;**

12 (6) Any person on active duty in the armed forces of the United States or any member
13 of the organized militia on active duty under order of the governor;

14 (7) Any licensed attorney at law;

15 (8) Any judge of a court of record;

16 (9) Any person who, in the judgment of the court or the board of jury commissioners,
17 is incapable of performing the duties of a juror because of mental or physical illness or infirmity.

506.060. 1. In computing any period of time prescribed or allowed by this code, by order of court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a **Saturday**, Sunday, or a legal holiday, in which event the period runs until the end of the next day which is neither a **Saturday**, Sunday, nor a legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate **Saturdays**, Sundays, and legal holidays shall be excluded in the computation. [A half holiday shall be considered as other days and not as a legal holiday.]

2. When by this code or by a notice given thereunder or by order of the court an act is required or allowed to be done at or within a specified time, the court for cause shown may, at any time in its discretion:

(1) With or without motion or notice, order the period enlarged if application therefor is made before the expiration of the period originally prescribed or as extended by a previous order; or

(2) Upon motion permit the act to be done after the expiration of the specified period where the failure to act was the result of excusable neglect; but it may not enlarge the period for filing a motion for or granting a new trial, or for commencing an action or taking an appeal as provided by this code.

3. The period of time provided for the doing of any act or the taking of any proceeding is not affected or limited by the expiration of a term of court. The expiration of a term of court in no way affects the power of a court to do any act or take any proceeding in any civil action which it is otherwise by law authorized to take and which is pending before it.

4. A written motion, other than one which may be heard ex parte, and notice of the hearing thereof shall be served not later than five days before the time specified for the hearing, unless a different period is fixed by law or court rule or by order of the court. Such an order may for cause shown be made on ex parte application. When a motion is supported by an affidavit, the affidavit shall be served with the motion; and, except as otherwise provided by law in connection with motion for new trial, opposing affidavits may be served not later than one day before the hearing, unless the court permits them to be served at some other time.

510.120. In all civil cases **or administrative proceedings** or in criminal cases pending in [any court of] this state at any time when the general assembly is in **regular session, veto session, special session, or holding out-of-session committee hearings**, it shall be a sufficient cause for a continuance if it shall appear to the court, by affidavit, that any party applying for such continuance, or any attorney, solicitor or counsel of such party is a member of either house of the general assembly, and in actual attendance on the **out-of-session committee hearings, regular session, special session, or veto session**, of the same, and that the attendance of such

8 party, attorney, solicitor or counsel is necessary to a fair and proper trial or other proceeding in
9 such suit; and on the filing of such affidavit the court shall continue such suit and any and all
10 motions or other proceedings therein, of every kind and nature, including the taking of
11 depositions **and discovery responses**, and thereupon no trial or other proceedings of any kind
12 or nature shall be had therein until the adjournment or recess for twenty days or more of the
13 **regular session, special session, or veto session of the** general assembly, nor for ten days
14 [thereafter] **before or after, or the day of any out-of-session committee hearings**. Such
15 affidavit shall be sufficient, if made at any time during the **out-of-session committee hearings**,
16 **regular session, special session, or veto session** of the general assembly, showing that at the
17 time of making the same such party, attorney, solicitor or counsel is in actual attendance upon
18 such **out-of-session committee hearings, regular session, special session, or veto session** of
19 the general assembly.

511.350. 1. Judgments and decrees [rendered] **entered** by the supreme court, by any
2 United States district or circuit court held within this state, by any district of the court of appeals,
3 by any **division of the** circuit court [and any probate division of the circuit court], except
4 judgments and decrees [rendered by associate,] **entered by** small claims and municipal divisions
5 of the circuit courts, shall be liens on the real estate of the person against whom they are
6 [rendered] **entered**, situate in the county for which or in which the court is held. **Judgments**
7 **entered by the associate division of the circuit court which are entitled to a trial de novo**
8 **pursuant to section 512.180, RSMo, shall be a lien upon final judgment if an application**
9 **is not filed or, alternatively, upon final judgment of the trial de novo if an application is**
10 **filed.**

11 2. [Judgments and decrees rendered by the associate divisions of the circuit courts shall
12 not be liens on the real estate of the person against whom they are rendered until such judgments
13 or decrees are filed with the clerk of the circuit court pursuant to sections 517.141 and 517.151,
14 RSMo.

15 3.] Judgments and decrees [rendered] **entered** by the small claims and municipal
16 divisions of the circuit court shall not constitute liens against the real estate of the person against
17 whom they are rendered.

18 **3. Notwithstanding any other provision of law, no judgments or decrees entered by**
19 **any court of competent jurisdiction may be amended or modified by any administrative**
20 **agency.**

511.510. It shall be the duty of [each of the circuit] **the** clerks of **any division of the**
2 **circuit court to**, within five days after the rendition of any final judgment in their respective
3 [courts, to] **division** enter an abstract of such judgment in the record as required in section
4 511.500; and [each circuit] **the** clerk shall immediately enter the same when the abstract

5 aforesaid shall be furnished to such clerk by any party interested, or such party's agent; and each
6 of the clerks and their sureties shall be respectively liable for any damage occasioned by any
7 neglect to perform the duties hereby required of them respectively; and it is further provided, that
8 whenever any personal representative, guardian or conservator, or any party interested, or such
9 party's agent, shall exhibit to the [circuit] clerk of the [circuit] court wherein such judgment may
10 be recorded a receipt or certificate of the proper officer, stating that such judgment has been duly
11 satisfied, then the circuit clerk shall, without further fee, enter satisfaction of such judgment in
12 such clerk's office in the record as required in section 511.500.

512.180. 1. Any person aggrieved by a judgment in a civil case tried without a jury
2 before an associate circuit judge, other than an associate circuit judge sitting in the probate
3 division or who has been assigned to hear the case on the record under procedures applicable
4 before circuit judges, shall have the right of a trial de novo in all cases where the [petition]
5 **pleading** claims damages not to exceed three thousand dollars.

6 2. In all other contested civil cases tried with or without a jury before an associate circuit
7 judge or on assignment under such procedures applicable before circuit judges or in any
8 misdemeanor case or county ordinance violation case a record shall be kept, and any person
9 aggrieved by a judgment rendered in any such case may have an appeal upon that record to the
10 appropriate appellate court. At the discretion of the judge, but in compliance with the rules of
11 the supreme court, the record may be a stenographic record or one made by the utilization of
12 electronic, magnetic, or mechanical sound or video recording devices.

513.475. 1. The homestead of every person, consisting of a dwelling house and
2 appurtenances, and the land used in connection therewith, not exceeding the value of [eight]
3 **fifteen** thousand dollars, which is or shall be used by such person as a homestead, shall, together
4 with the rents, issues and products thereof, be exempt from attachment and execution. The
5 exemption allowed under this section shall not be allowed for more than one owner of any
6 homestead if one owner claims the entire amount allowed under this subsection; but, if more than
7 one owner of any homestead claims an exemption under this section, the exemption allowed to
8 each of such owners shall not exceed, in the aggregate, the total exemption allowed under this
9 subsection as to any one homestead.

10 2. Either spouse separately shall be debarred from and incapable of selling, mortgaging
11 or alienating the homestead in any manner whatever, and every such sale, mortgage or alienation
12 is hereby declared null and void; provided, however, that nothing herein contained shall be so
13 construed as to prevent the husband and wife from jointly conveying, mortgaging, alienating or
14 in any other manner disposing of such homestead, or any part thereof.

535.030. 1. Such summons shall be served as in other civil cases at least four
2 **business** days before the court date in the summons. The summons shall include a court date

3 which shall not be more than twenty-one business days from the date the summons is issued
4 unless at the time of filing the affidavit the plaintiff or plaintiff's attorney consents in writing to
5 a later date.

6 2. In addition to attempted personal service, the plaintiff may request, and thereupon the
7 clerk of the court shall make an order directing that the officer, or other person empowered to
8 execute the summons, shall also serve the same by securely affixing a copy of such summons and
9 the complaint in a conspicuous place on the dwelling of the premises in question at least ten days
10 before the court date in such summons, and by also mailing a copy of the summons and
11 complaint to the defendant at the defendant's last known address by ordinary mail and by
12 certified mail, return receipt requested, deliver to addressee only, at least ten days before the
13 court date. If the officer, or other person empowered to execute the summons, shall return that
14 the defendant is not found, or that the defendant has absconded or vacated his usual place of
15 abode in this state, and if proof be made by affidavit of the posting and of the mailing of a copy
16 of the summons and complaint, the judge shall at the request of the plaintiff proceed to hear the
17 case as if there had been personal service, and judgment shall be rendered and proceedings had
18 as in other cases, except that no money judgment shall be granted the plaintiff where the
19 defendant is in default and service is by the posting and mailing procedure set forth in this
20 section.

21 3. If the plaintiff does not request service of the original summons by posting and
22 mailing as provided in subsection 2 of this section, and if the officer, or other person empowered
23 to execute the summons, makes return that the defendant is not found, or that the defendant has
24 absconded or vacated the defendant's usual place of abode in this state, the plaintiff may request
25 the issuance of an alias summons and service of the same by posting and mailing in the time and
26 manner provided in subsection 2 of this section. In addition, the plaintiff or an agent of the
27 plaintiff who is at least eighteen years of age may serve the summons by posting and mailing a
28 copy of the summons in the time and manner provided in subsection 2 of this section. Upon
29 proof by affidavit of the posting and of the mailing of a copy of the summons or alias summons
30 and the complaint, the judge shall proceed to hear the case as if there had been personal service,
31 and judgment shall be rendered and proceedings had as in other cases, except that no money
32 judgment shall be granted the plaintiff where the defendant is in default and service is by the
33 posting and mailing procedure provided in subsection 2 of this section.

34 4. On the date judgment is rendered as provided in this section where the defendant is
35 in default, the clerk of the court shall mail to the defendant at the defendant's last known address
36 by certified mail, with a request for return receipt and with directions to deliver to the addressee
37 only, a notice informing the defendant of the judgment and the date it was entered, and stating
38 that the defendant has ten days from the date of the judgment to file a motion to set aside the

39 judgment or to file an application for a trial de novo in the circuit court, as the case may be, and
40 that unless the judgment is set aside or an application for a trial de novo is filed within ten days,
41 the judgment will become final and the defendant will be subject to eviction from the premises
42 without further notice.

536.077. In any contested case before an agency created by the constitution or state
2 statute, such agency shall upon request of any party issue subpoenas and shall in a proper case
3 issue subpoenas duces tecum. Subpoenas other than subpoenas duces tecum shall on request of
4 any party be issued with the caption and number of the case, the name of the witness, and the
5 date for appearance in blank, but such caption, number, name and date shall be filled in by such
6 party before service. Subpoenas shall extend to all parts of the state, and shall be served and
7 returned as in civil actions in the circuit court. The witness shall be entitled to the same fees and,
8 if compelled to travel more than forty miles from his place of residence, shall be entitled to the
9 same tender of fees for travel and attendance, and at the same time, as is now or may hereafter
10 be provided for witnesses in civil actions in the circuit court, such fees to be paid by the party
11 or agency subpoenaing him, except where the payment of such fees is otherwise provided for by
12 law. The agency **or the party at whose request the subpoena is issued** shall enforce subpoenas
13 by applying to a judge of the circuit court of the county of the hearing or of any county where the
14 witness resides or may be found, for an order upon any witness who shall fail to obey a subpoena
15 to show cause why such subpoena should not be enforced, which said order and a copy of the
16 application therefor shall be served upon the witness in the same manner as a summons in a civil
17 action, and if the said circuit court shall, after a hearing, determine that the subpoena should be
18 sustained and enforced, said court shall proceed to enforce said subpoena in the same manner
19 as though said subpoena had been issued in a civil case in the circuit court. **The court shall**
20 **permit the agency and any party to intervene in the enforcement action.** Any such agency
21 may delegate to any member, officer, or employee thereof the power to issue subpoenas in
22 contested cases; provided that, except where otherwise authorized by law, subpoenas duces
23 tecum shall be issued only by order of the agency or a member thereof.

540.021. 1. Upon order of the presiding judge of the circuit court, or a judge designated
2 by the presiding judge, names of **prospective grand jurors** shall be randomly selected from the
3 [special grand] **master** jury list in the manner determined by the board of jury commissioners.
4 A summons for grand jury service and a juror qualification form shall be mailed or personally
5 served to those persons selected in the form and as required by section 494.415, RSMo, for petit
6 jurors.

7 2. If it is determined from an examination of the juror qualification form that a person
8 is not qualified to serve as a grand juror, that person shall be notified in a manner directed by the
9 board of jury commissioners, and shall not be required to comply with the summons for grand

10 jury service. The names of disqualified persons shall be deleted from the grand jury list.

11 3. Those prospective grand jurors not disqualified from grand jury service shall
12 constitute the grand jury list. If later determined to be ineligible or disqualified, their names shall
13 be deleted from the [grand] **master** jury list.

14 4. Those persons summoned for grand jury service shall be placed under the control and
15 supervision of the presiding judge of the circuit court, or a judge designated by the presiding
16 judge, who shall select twelve persons to serve as grand jurors. Alternate grand jurors as
17 determined by the judge shall also be selected, to serve as a grand juror upon the death,
18 disqualification, or inability of one of the persons selected as a regular grand juror. The names
19 of those persons selected as grand jurors and alternate grand jurors shall be deleted from the
20 grand jury list.

21 5. The presiding judge of the circuit court, or a judge designated by the presiding judge,
22 shall have the authority to convene, recess, and adjourn a grand jury as, in his discretion, he
23 deems necessary, and at times and places as he specifies. No grand jury shall be required to
24 serve for longer than a six-month period, except such term may be extended for a period not to
25 exceed sixty days, solely for the purpose of considering and completing matters already before
26 the grand jury. No new matters shall be presented to the grand jury during its extended service.
27 Nothing contained in this section prevents the convening of another grand jury during such
28 extended service.

29 6. Compensation shall be allowed grand jurors in the same amount as is provided by law
30 for petit jurors pursuant to section 494.455, RSMo.

577.051. 1. A record of the [final] disposition in any court proceeding involving a
2 violation of any of the provisions of sections 577.005 to 577.023, or violation of county or
3 municipal ordinances involving alcohol- or drug-related driving offenses[, pleas of guilty,
4 findings of guilty, suspended imposition of sentence, suspended execution of sentence,
5 probation, conditional sentences and sentences of confinement] shall be forwarded to the
6 Missouri state highway patrol, or at the written direction of the Missouri state highway patrol,
7 to the department of revenue, within fifteen days by the clerk of the court in which the
8 proceeding was held and shall be entered by the highway patrol or department of revenue in the
9 Missouri uniform law enforcement system records. **Dispositions that shall be reported are**
10 **pleas of guilty, findings of guilty, suspended imposition of sentence, suspended execution**
11 **of sentence, probation, conditional sentences, sentences of confinement and any other such**
12 **dispositions that may be required under state or federal regulations.** The record forwarded
13 by the clerk shall clearly show the court, the court case number, the name, address, and motor
14 vehicle operator's or chauffeur's license number of the person who is the subject of the
15 proceeding, the code or number identifying the particular arrest, and any court action or

16 requirements pertaining thereto.

17 2. All records received by the Missouri state highway patrol or the department of revenue
18 under the provisions of this section shall be entered in the Missouri uniform law enforcement
19 system records and maintained by the Missouri state highway patrol. Records placed in the
20 Missouri uniform law enforcement system under the provisions of this section shall be made
21 available to any law enforcement officer in this state, any prosecuting or circuit attorney in this
22 state, or to any judge of a municipal or state court upon request.

23 3. Any person required by this section to furnish records to the Missouri state highway
24 patrol or department of revenue who willfully refuses to furnish such records shall be guilty of
25 a class C misdemeanor.

26 4. Records required to be filed with the Missouri state highway patrol or the department
27 of revenue under the provisions of sections 302.225, RSMo, and 577.001 to 577.051 shall be
28 filed beginning July 1, 1983, and no penalties for nonfiling of records shall be applied prior to
29 July 1, 1983.

30 5. Forms and procedures for filing of records with the Missouri state highway patrol or
31 department of revenue as required in this chapter shall be promulgated by the director of the
32 department of public safety or department of revenue, as applicable, and approved by the
33 Missouri supreme court.

34 6. All record-keeping procedures required under the provisions of sections 577.005 to
35 577.023 shall be in accordance with this section, chapter 610, RSMo, to the contrary
36 notwithstanding.

595.045. 1. There is established in the state treasury the "Crime Victims' Compensation
2 Fund". A surcharge of seven dollars and fifty cents shall be assessed as costs in each court
3 proceeding filed in any court in the state in all criminal cases including violations of any county
4 ordinance or any violation of criminal or traffic laws of the state, including an infraction and
5 violation of a municipal ordinance; except that no such fee shall be collected in any proceeding
6 in any court when the proceeding or the defendant has been dismissed by the court or when costs
7 are to be paid by the state, county, or municipality. A surcharge of seven dollars and fifty cents
8 shall be assessed as costs in a juvenile court proceeding in which a child is found by the court
9 to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031,
10 RSMo.

11 2. Notwithstanding any other provision of law to the contrary, the moneys collected by
12 clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected
13 and disbursed in accordance with sections 488.010 to 488.020, RSMo, and shall be payable to
14 the director of the department of revenue.

15 3. The director of revenue shall deposit annually the amount of two hundred fifty

16 thousand dollars to the state forensic laboratory account administered by the department of public
17 safety to provide financial assistance to defray expenses of crime laboratories if such analytical
18 laboratories are registered with the federal Drug Enforcement Agency or the Missouri department
19 of health and senior services. Subject to appropriations made therefor, such funds shall be
20 distributed by the department of public safety to the crime laboratories serving the courts of this
21 state making analysis of a controlled substance or analysis of blood, breath or urine in relation
22 to a court proceeding.

23 4. The remaining funds collected under subsection 1 of this section shall be denoted to
24 the payment of an annual appropriation for the administrative and operational costs of the office
25 for victims of crime and, if a statewide automated crime victim notification system is established
26 pursuant to section 650.310, RSMo, to the monthly payment of expenditures actually incurred
27 in the operation of such system. Additional remaining funds shall be subject to the following
28 provisions:

29 (1) On the first of every month, the director of revenue or the director's designee shall
30 determine the balance of the funds in the crime victims' compensation fund available to satisfy
31 the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections
32 595.050 and 595.055;

33 (2) Beginning on October 1, 1996, and on the first of each month, if the balance of the
34 funds available exceeds one million dollars plus one hundred percent of the previous twelve
35 months' actual expenditures, excluding the immediate past calendar month's expenditures, paid
36 pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the
37 director of revenue or the director's designee shall deposit fifty percent to the credit of the crime
38 victims' compensation fund and fifty percent to the services to victims' fund established in
39 section 595.100;

40 (3) Beginning on October 1, 1996, and on the first of each month, if the balance of the
41 funds available is less than one million dollars plus one hundred percent of the previous twelve
42 months' actual expenditures, excluding the immediate past calendar month's expenditures, paid
43 pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the
44 director of revenue or the director's designee shall deposit seventy-five percent to the credit of
45 the crime victims' compensation fund and twenty-five percent to the services to victims' fund
46 established in section 595.100.

47 5. The director of revenue or such director's designee shall at least monthly report the
48 moneys paid pursuant to this section into the crime victims' compensation fund and the services
49 to victims fund to the division of workers' compensation and the department of public safety,
50 respectively.

51 6. The moneys collected by clerks of municipal courts pursuant to subsection 1 of this

52 section shall be collected and disbursed as provided by sections 488.010 to 488.020, RSMo.
53 Five percent of such moneys shall be payable to the city treasury of the city from which such
54 funds were collected. The remaining ninety-five percent of such moneys shall be payable to the
55 director of revenue. The funds received by the director of revenue pursuant to this subsection
56 shall be distributed as follows:

57 (1) On the first of every month, the director of revenue or the director's designee shall
58 determine the balance of the funds in the crime victims' compensation fund available to satisfy
59 the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections
60 595.050 and 595.055;

61 (2) Beginning on October 1, 1996, and on the first of each month, if the balance of the
62 funds available exceeds one million dollars plus one hundred percent of the previous twelve
63 months' actual expenditures, excluding the immediate past calendar month's expenditures, paid
64 pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the
65 director of revenue or the director's designee shall deposit fifty percent to the credit of the crime
66 victims' compensation fund and fifty percent to the services to victims' fund established in
67 section 595.100;

68 (3) Beginning on October 1, 1996, and on the first of each month, if the balance of the
69 funds available is less than one million dollars plus one hundred percent of the previous twelve
70 months' actual expenditures, excluding the immediate past calendar month's expenditures, paid
71 pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the
72 director of revenue or the director's designee shall deposit seventy-five percent to the credit of
73 the crime victims' compensation fund and twenty-five percent to the services to victims' fund
74 established in section 595.100.

75 7. These funds shall be subject to a biennial audit by the Missouri state auditor. Such
76 audit shall include all records associated with crime victims' compensation funds collected, held
77 or disbursed by any state agency.

78 8. In addition to the moneys collected pursuant to subsection 1 of this section, the court
79 shall enter a judgment in favor of the state of Missouri, payable to the crime victims'
80 compensation fund, of sixty-eight dollars [if the conviction is] **upon a plea of guilty or finding**
81 **of guilt** for a class A or B felony; forty-six dollars [if the conviction is] **upon a plea of guilty**
82 **or finding of guilt** for a class C or D felony; and ten dollars [if the conviction is] **upon a plea**
83 **of guilty or finding of guilt** for any misdemeanor under [the following] Missouri [laws:

84 (1) Chapter 195, RSMo, relating to drug regulations;

85 (2) Chapter 311, RSMo, but relating only to felony violations of this chapter committed
86 by persons not duly licensed by the supervisor of liquor control;

87 (3) Chapter 491, RSMo, relating to witnesses;

88 (4) Chapter 565, RSMo, relating to offenses against the person;
89 (5) Chapter 566, RSMo, relating to sexual offenses;
90 (6) Chapter 567, RSMo, relating to prostitution;
91 (7) Chapter 568, RSMo, relating to offenses against the family;
92 (8) Chapter 569, RSMo, relating to robbery, arson, burglary and related offenses;
93 (9) Chapter 570, RSMo, relating to stealing and related offenses;
94 (10) Chapter 571, RSMo, relating to weapons offenses;
95 (11) Chapter 572, RSMo, relating to gambling;
96 (12) Chapter 573, RSMo, relating to pornography and related offenses;
97 (13) Chapter 574, RSMo, relating to offenses against public order;
98 (14) Chapter 575, RSMo, relating to offenses against the administration of justice;
99 (15) Chapter 577, RSMo, relating to public safety offenses.] **law except for those in**
100 **chapter 252, RSMo, relating to fish and game, chapter 302, RSMo, relating to drivers' and**
101 **commercial drivers' license, chapter 303, RSMo, relating to motor vehicle financial**
102 **responsibility, chapter 304, RSMo, relating to traffic regulations, chapter 306, RSMo,**
103 **relating to watercraft regulation and licensing, and chapter 307, RSMo, relating to vehicle**
104 **equipment regulations.**

105
106 Any clerk of the court receiving moneys pursuant to such judgments shall collect and disburse
107 such crime victims' compensation judgments in the manner provided by sections 488.010 to
108 488.020, RSMo. Such funds shall be payable to the state treasury and deposited to the credit of
109 the crime victims' compensation fund.

110 9. [The clerk of the court processing such funds shall maintain records of all dispositions
111 described in subsection 1 of this section and all dispositions where a judgment has been entered
112 against a defendant in favor of the state of Missouri in accordance with this section; all payments
113 made on judgments for alcohol-related traffic offenses; and any judgment or portion of a
114 judgment entered but not collected. These records shall be subject to audit by the state auditor.
115 The clerk of each court transmitting such funds shall report separately the amount of dollars
116 collected on judgments entered for alcohol-related traffic offenses from other crime victims'
117 compensation collections or services to victims collections.

118 10. The clerks of the court shall report all delinquent payments to the department of
119 revenue by October first of each year for the preceding fiscal year, and such sums may be
120 withheld pursuant to subsection 15 of this section.

121 11.] The department of revenue shall maintain records of funds transmitted to the crime
122 victims' compensation fund by each reporting court and collections pursuant to subsection [18]
123 **15** of this section and shall maintain separate records of collection for alcohol-related offenses.

124 [12. Notwithstanding any other provision of law to the contrary, the provisions of
125 subsections 9 and 10 of this section shall expire and be of no force and effect upon the effective
126 date of the supreme court rule adopted pursuant to sections 488.010 to 488.020, RSMo.

127 [13.] **10.** The state courts administrator shall include in the annual report required by
128 section 476.350, RSMo, the circuit court caseloads and the number of crime victims'
129 compensation judgments entered.

130 [14.] **11.** All awards made to injured victims under sections 595.010 to 595.105 and all
131 appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and
132 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance
133 remaining in the crime victims' compensation fund at the end of each biennium shall not be
134 subject to the provision of section 33.080, RSMo, requiring the transfer of such unexpended
135 balance to the ordinary revenue fund of the state, but shall remain in the crime victims'
136 compensation fund. In the event that there are insufficient funds in the crime victims'
137 compensation fund to pay all claims in full, all claims shall be paid on a pro rata basis. If there
138 are no funds in the crime victims' compensation fund, then no claim shall be paid until funds
139 have again accumulated in the crime victims' compensation fund. When sufficient funds become
140 available from the fund, awards which have not been paid shall be paid in chronological order
141 with the oldest paid first. In the event an award was to be paid in installments and some
142 remaining installments have not been paid due to a lack of funds, then when funds do become
143 available that award shall be paid in full. All such awards on which installments remain due
144 shall be paid in full in chronological order before any other postdated award shall be paid. Any
145 award pursuant to this subsection is specifically not a claim against the state, if it cannot be paid
146 due to a lack of funds in the crime victims' compensation fund.

147 [15.] **12.** When judgment is entered against a defendant as provided in this section and
148 such sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement,
149 payment, benefit, compensation, salary, or other transfer of money from the state of Missouri to
150 such defendant an amount equal to the unpaid amount of such judgment. Such amount shall be
151 paid forthwith to the crime victims' compensation fund and satisfaction of such judgment shall
152 be entered on the court record. Under no circumstances shall the general revenue fund be used
153 to reimburse court costs or pay for such judgment. The director of the department of corrections
154 shall have the authority to pay into the crime victims' compensation fund from an offender's
155 compensation or account the amount owed by the offender to the crime victims' compensation
156 fund, provided that the offender has failed to pay the amount owed to the fund prior to entering
157 a correctional facility of the department of corrections.

158 [16.] **13.** All interest earned as a result of investing funds in the crime victims'
159 compensation fund shall be paid into the crime victims' compensation fund and not into the

160 general revenue of this state.

161 [17.] 14. Any person who knowingly makes a fraudulent claim or false statement in
162 connection with any claim hereunder is guilty of a class A misdemeanor.

163 [18.] 15. Any gifts, contributions, grants or federal funds specifically given to the
164 division for the benefit of victims of crime shall be credited to the crime victims' compensation
165 fund. Payment or expenditure of moneys in such funds shall comply with any applicable federal
166 crime victims' compensation laws, rules, regulations or other applicable federal guidelines.

2 [67.133. 1. A fee of ten dollars shall be assessed in all cases in which the
3 defendant is convicted of a nonfelony violation of any provision of chapters 252, 301,
4 302, 304, 306, 307 and 390, RSMo, and any infraction otherwise provided by law,
5 twenty-five dollars in all misdemeanor cases otherwise provided by law, and
6 seventy-five dollars in all felony cases, in criminal cases including violations of any
7 county ordinance or any violation of a criminal or traffic law of the state, except that
8 no such fees shall be collected in any proceeding in any court when the proceeding
9 or the defendant has been dismissed by the court or when costs are to be paid by the
10 state, county or municipality. All fees collected under the provisions of this section
11 shall be collected and disbursed in the manner provided by sections 488.010 to
12 488.020, RSMo, and payable to the county treasurer who shall deposit those funds
13 in the county treasury.

14 2. Counties shall be entitled to a judgment in the amount of twenty-five
15 percent of all sums collected on recognizances given to the state in criminal cases,
16 which are or may become forfeited, if not more than five hundred dollars, and fifteen
percent of all sums over five hundred dollars, to be paid out of the amount collected.]

2 [517.141. On demand of any person interested therein, whether by
3 assignment or otherwise, every clerk or officer who shall be in possession of the
4 record of judgment shall give to such person a certified transcript of such judgment.
5 Upon production of any such transcript, the clerk of the circuit court of the county in
6 which the judgment was rendered shall record the same in his permanent record of
circuit court judgments, and note therein the date and hour of its filing.]

2 [517.151. From the time of filing the transcript, every such judgment shall
3 have the same lien on the real estate of the defendant in the county as is given
4 judgments rendered by circuit judges. The circuit clerk shall collect fees in such
5 amounts as are determined pursuant to sections 488.010 to 488.020, RSMo, for each
6 transcript filed. The revival of any such lien upon real estate shall be under the same
7 procedures as with judgments originally rendered by a circuit judge, shall be made
8 from the record of the transcribed judgment so filed in the office of circuit clerk, and
9 may be revived under proceedings before either a circuit or an associate circuit judge.
10 The foregoing provisions shall not apply with respect to any judgment of a small
11 claims court nor shall any judgment of a small claims court be a lien upon real
estate.]

2 [540.011. 1. Upon order of the presiding judge of the circuit court, the board
of jury commissioners created pursuant to section 494.405, RSMo, shall compile a

3 list of prospective grand jurors containing at least six hundred names or fifteen
4 percent of the number of names comprising the master jury list, whichever is less.
5 The names shall be selected at random from the master jury list, compiled pursuant
6 to section 494.410, RSMo, in a method specified by the board of jury commissioners.
7 The list so compiled shall be known as the grand jury list.
8 2. All names placed on the grand jury list shall be deleted from the master
9 jury list. The board of jury commissioners may remove names from the grand jury
10 list if a person is not qualified or eligible to serve as a grand juror or may add names
11 to the grand jury list as necessary, as provided for in subsection 1 of this section.]